

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

JEFFREY WOODARD,

Plaintiff,

v.

Case No. 2:06-cv-284
HON. ROBERT HOLMES BELL

DOUGLAS WEBERG, et al.,

Defendants.

OPINION AND ORDER APPROVING MAGISTRATE JUDGE'S

REPORT AND RECOMMENDATION

The Court has reviewed the Report and Recommendation filed by the United States Magistrate Judge in this action on February 14, 2008. The Report and Recommendation was duly served on the parties. The Court has received objections from defendants. In accordance with 28 U.S.C. § 636(b)(1), the Court has performed *de novo* consideration of those portions of the Report and Recommendation to which objection has been made. The Court now finds the objections to be without merit.

Defendants object to the recommendation denying their motion for summary judgment. The issue is whether plaintiff can support his claims. Defendants have not established a lack of a genuine issue of fact entitling them to summary judgment at this time. Whether plaintiff will ultimately succeed after disclosure of the unit log book, special housing unit record, and video tape evidence that might exist will be decided at a later date.

THEREFORE, IT IS ORDERED that the Report and Recommendation of the Magistrate Judge (Docket #31) is approved and adopted as the opinion of the Court.

IT IS FURTHER ORDERED that defendants' motion for summary judgment (Docket #17) is DENIED.

FINALLY, IT IS ORDERED that plaintiff's motion for entry of default (Docket #34) is without merit and is DENIED.

Date: March 18, 2008

/s/ Robert Holmes Bell
ROBERT HOLMES BELL
CHIEF UNITED STATES DISTRICT JUDGE